

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

SELENA HOWARD, DARIOUS LEGGETT; AND  
ANTRINET LEGGETT PLAINTIFFS

VERSUS NO. 2:19-CV-84-KS-MTP

FORREST COUNTY; CHEY SUMRALL  
INDIVIDUALLY AND IN HIS  
OFFICIAL CAPACITY; BLAKE BASS,  
INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY DEFENDANTS

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DEPOSITION OF CHEY SUMRALL  
VIA ZOOM VIDEO CONFERENCE

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APPEARANCES NOTED HEREIN

DATE: APRIL 27, 2020  
PLACE: ZOOM VIDEO CONFERENCE  
TIME: 2:00 p.m.

REPORTED BY: AMANDA MAGEE WOOTTON  
CSR #1238

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1           A     Correct.

2           Q     Okay. All right. Like I said, I'm not  
3 going to get into the details. I just didn't know if  
4 there were anything else involved in your separation.

5           A     Thank you.

6           Q     Is there anything else besides the wreck  
7 with your separation?

8           A     No, sir.

9           Q     Okay. All right. Now, you're aware that  
10 this entire matter stems from an incident  
11 September 27, 2017, correct?

12          A     Yes, sir.

13          Q     All right. Do you recall when you were  
14 dispatched to the Elks Road house where Ms. Howard and  
15 Mr. Leggett were living?

16          A     We were never dispatched. It was  
17 information from a county worker. And I believe it  
18 was -- I'm certain that it was earlier that morning  
19 that she had advised us about the dogs.

20          Q     Okay. Who was that? Who was the county  
21 worker?

22          A     Her name was Haley Ryals.

23          Q     Okay. And who is she?

24          A     She works -- she's a volunteer firefighter,  
25 but she does some type of maintenance for the county.

1 information from another county worker that mows -- I  
2 guess there is a cemetery behind the Leggetts'  
3 residence, and that county worker had been seeing this  
4 dog tied to a tree with no food or water. So that's  
5 what she told us.

6 Q Okay. But when you -- when you went to  
7 Ms. Howard's house, at that time you knew that the  
8 information you had received was secondhand at best?

9 A Correct.

10 Q Okay. All right. And the property you were  
11 going to was private property, correct?

12 A I'm not sure.

13 Q Okay. Well, were the -- the house that you  
14 went to where Ms. Howard lived, that wasn't a public  
15 park or anything like that, was it?

16 A No, sir.

17 Q Okay. It was a private resident, and they  
18 lived there?

19 A Yes, sir.

20 Q All right. Now, before you got to the house  
21 that day, had -- have you had any formal training on  
22 doing welfare checks for animals?

23 A Not any formal training, no, sir.

24 Q Had you ever been trained on what the laws  
25 are in regards to animal welfare?

1 Q And there was nothing stopping you from  
2 getting a warrant that day, correct?

3 A No, sir.

4 Q Okay. You could have gone to obtain a  
5 warrant before going to the house, right?

6 A I guess so. But, like, it was secondhand  
7 information, so...

8 Q Okay. When you say it was secondhand  
9 information, are you saying the judge wouldn't have  
10 given you a warrant on that?

11 A I can't say what a judge would have done.

12 Q Okay. But you didn't have firsthand  
13 knowledge at that time to go get a warrant, right?

14 A No, sir.

15 Q Okay. All right. Now, when you got to the  
16 property, Mr. Sumrall, what happened?

17 A When we pulled down the driveway, we saw the  
18 dog tied to the tree. We parked our patrol cars,  
19 exited the patrol car, went over to the dog that was  
20 tied to the tree and began an investigation.

21 Q Okay. You say you began an investigation.  
22 How long were you on the property before you made  
23 contact with people who lived there?

24 A I'm not sure.

25 Q Okay. Before you -- how long did you see

1 the dogs -- let me see if I can ask you a better  
2 question.

3 A Yes, sir.

4 Q Who was the first person you saw on the  
5 property?

6 A I honestly can't recall who the first person  
7 was that we made contact with.

8 Q Okay. Now, when you drove up to the house,  
9 how long is that driveway to get to the house?

10 A It's several yards long. It is a fairly  
11 long driveway.

12 Q Okay. When you say several yards, you mean  
13 several hundred yards?

14 A Maybe a hundred yards, 150.

15 Q Okay. But longer than several yards, right?

16 A Correct. Yes, sir.

17 Q Okay. And can you see the dogs from the  
18 road without pulling into the driveway?

19 A No, sir.

20 Q Okay. And where were you -- when you were  
21 pulling up to the house, do you recall when you could  
22 first see the dogs?

23 A Probably 50 yards down the driveway you  
24 could see the dog tied to the tree.

25 Q Okay. And how long were you on the

1 property -- well, I think I've already asked you this.

2 A Yes, sir.

3 Q Do you recall how long it was before you  
4 actually made contact with a person on that property?

5 A As best I can remember, it was minutes.

6 Q Okay. So do you know how long those dogs  
7 had been tied to the tree before you arrived?

8 A I do not.

9 Q Okay. All right. And how many dogs -- when  
10 you went to the -- were those two dogs, were they in  
11 separate places or the same spot?

12 A Well, the dog in question, I didn't know how  
13 many dogs were at the property. We only saw one dog  
14 that was tied to the tree, so...

15 Q Okay.

16 A Which is what the initial complaint was, was  
17 for the dog that was tied to the tree.

18 Q Okay. Let me ask you this. The claim that  
19 a dog is tied up, that in and of itself is not a  
20 crime, correct?

21 A Correct.

22 Q Okay. Where was the other dog when you  
23 arrived?

24 A When I arrived, I did not see another dog.

25 Q Okay. Now, the time that you arrived on the

1 property, you had no evidence of any felony being  
2 committed, right?

3 A Correct.

4 Q And what you ultimately charged my clients  
5 with was a misdemeanor, right?

6 A Correct.

7 Q In regards to the dogs?

8 A Correct.

9 Q All right. And you had -- no one had  
10 relayed to you, had they, that they thought the dogs  
11 had been beaten?

12 A No, sir.

13 Q No one had thought the dogs had been burned  
14 or tortured?

15 A No, sir.

16 Q Okay. Is the only thing that you had prior  
17 to coming on the property that the dog was tied to a  
18 tree?

19 A With no food or water, or shelter, for that  
20 matter.

21 Q Okay. Do you know how -- that's all  
22 secondhand information, right?

23 A Correct.

24 Q Okay. And you don't remember if you spoke  
25 to Ms. Howard or Mr. Leggett first?



1 those unpaid fines?

2 A I had stopped her vehicle on a traffic --  
3 well, not her vehicle. I had stopped a vehicle that  
4 Ms. Leggett was a passenger in, and I ran both the  
5 driver and Ms. Leggett. Ms. Leggett had warrants.

6 Q Okay. All right. And after -- on this  
7 particular date, do you recall when you made contact  
8 with Ms. Leggett?

9 A I don't, no, sir.

10 Q Okay. After you and Darious and Blake were  
11 out of the tree with the dog, Darious did unhook the  
12 dog, right?

13 A Yes, sir, he did.

14 Q Okay. What happened after that?

15 A The only thing I can remember is I asked  
16 Darious -- because there was only one bowl by the  
17 tree. I asked Darious if he had food for the dog. He  
18 explained that sometimes they eat table scraps, but he  
19 did have food inside. I asked him -- I followed him  
20 to the house. He was going to show me the food. We  
21 got to the door. He brought out an empty container.  
22 There was no food in the container.

23 Q Okay. Now, did you ever try to enter the  
24 house?

25 A Yes, sir, I did.

1 Q Okay. And were you told not to?

2 A Yes, sir. He asked me not to come inside  
3 the house.

4 Q All right. And how long was Darious inside;  
5 do you remember?

6 A Thirty, 45 seconds.

7 Q Okay. And when Darious brought the --  
8 apparently, as I understand it, empty food bucket  
9 outside, what happened then?

10 A I asked him to turn around and put his hands  
11 behind his back.

12 Q Okay. And at that point in time, what crime  
13 were you arresting Mr. Leggett for?

14 A The animal neglect.

15 Q All right. And had you been trained on what  
16 constitutes animal neglect?

17 A Yes, sir.

18 Q Okay. What evidence did you have that  
19 Mr. Leggett had been intentionally withholding food  
20 from his animals?

21 A I had no evidence that he had been  
22 intentionally withholding food from his animals.

23 Q Okay. And what evidence -- well, what  
24 evidence, then, were you relying on in deciding to  
25 arrest Mr. Leggett?

1           A     The condition of the dog, the no shelter, no  
2     water, and there was no vaccine ever -- rabies vaccine  
3     ever provided to us.

4           Q     well, now, just on the day in question, at  
5     the time that you were there, how long had you  
6     witnessed the animal tied around the tree?

7           A     Just that time period I was there.

8           Q     So at that point in time in which you say  
9     you placed Mr. Leggett under arrest, would it be more  
10    than ten minutes?

11          A     Yes, sir.

12          Q     Okay. More than 20 minutes?

13          A     Twenty minutes is probably the max.

14          Q     Okay. And do you know how long the dog's  
15    water bowl had been empty?

16          A     I do not.

17          Q     Okay. And you don't know how long the dog,  
18    other than the 20 minutes you were there, how long the  
19    dog had been tied to a tree?

20          A     I do not.

21          Q     Okay. What evidence did you have at that  
22    time to show that Mr. Leggett was intentionally  
23    neglecting this dog?

24          A     I had none.

25          Q     Okay. well, are you aware that the statute

1 EXAMINATION BY MS. HOLMES:

2 Q So I'm going to ask that -- Chey, prior to  
3 the taser being deployed, can you describe the  
4 demeanor of Darious?

5 A The entire time we were at the property,  
6 from us initially -- well, the entire time from when I  
7 initially made contact with Darious, he was cussing  
8 the entire time. The best way I can describe it is  
9 aggressive the whole time we were there. I used -- I  
10 tried to deescalate the situation as best I knew how,  
11 and he was very upset, so -- and he was -- even prior  
12 to this incident, on the traffic stop with his mother,  
13 who I did not know the relation between the two, he  
14 was hostile on the traffic stop. So...

15 Q Did he -- prior to the taser being deployed,  
16 did he act physically violent?

17 A Yes, he did. Yes.

18 Q Did he get in your face?

19 A He did get in my face on the porch, yes.

20 Q And he refused to comply with any of your  
21 verbal commands?

22 A Yes.

23 MS. HOLMES: Unless you've got some  
24 questions, Christina, that's all I wanted to follow up  
25 on.

1           A     Correct.

2           Q     Okay.

3                   MS. SMITH: I think that's all of the  
4 questions I have for you, Chey.

5                   THE WITNESS: Okay.

6                   MR. WAIDE: Chey, I've got a couple of  
7 follow-up questions.

8                   THE WITNESS: Sure.

9                   E X A M I N A T I O N

10          EXAMINATION BY MR. WAIDE:

11           Q     So your testimony is that at 8 a.m. on  
12 September 27th, 2017, it was already hot?

13           A     It was a warm day. Yes, sir.

14           Q     Okay. would you dispute if the weather  
15 records indicate it wasn't more than 75 degrees at  
16 8 a.m.?

17           A     No, sir. I wouldn't dispute that, but  
18 that's warm.

19           Q     Okay.

20                   MR. WAIDE: That's all I have.

21                   THE WITNESS: Thank you, Mr. Waide. I  
22 appreciate it.

23                   (WHEREUPON, THE DEPOSITION WAS  
24 CONCLUDED AT APPROXIMATELY 2:40 p.m.)

25